UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States District Court
Southern District of Texas
FILED

JUL 26 2016

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA	§	
vs.	§	CRIMINAL NO.
HOWARD WILLIAM HALVERSON	§	

INDICTMENT

B-16-652

THE GRAND JURY CHARGES:

INTRODUCTION

At all times material to this indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2. The term "child pornography," for the purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(8)(A), as:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where –

(A) the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct,"

3. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2), as any:

"actual or simulated –

i. sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
ii. bestiality; [or]
iii. masturbation; [or]
iv. sadistic or masochistic abuse; or
v. [the] lascivious exhibition of the genitals or pubic area of any person."

4. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and 1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

5. The term "producing", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(3) and case law, as:

"producing, directing, manufacturing, issuing, publishing, or advertising" and includes downloading or copying visual depictions from another source.

6. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

COUNT ONE
(Receipt of Child Pornography)

Between on or about May 28, 2014 through on or about June 20, 2016, in the Southern District of Texas and elsewhere, Defendant,

HOWARD WILLIAM HALVERSON,

did knowingly receive material that contains child pornography using any means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and 2252A(b)(1).

COUNT TWO
(Possession of Child Pornography)

On or about June 21, 2016, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, Defendant,

HOWARD WILLIAM HALVERSON,

did knowingly possess material that contained multiple images and videos of child pornography, that involved a prepubescent minor or a minor who had not attained 12 years of age, which had been shipped and transported using any means and facility of interstate and foreign commerce, or which were produced using materials which have been mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer; more specifically the defendant possessed one (1) Gateway EG70 laptop computer, one (1) Toshiba Satellite laptop computer, one (1) Lenovo Think Pad laptop computer, four (4) Western Digital My Passport Ultra hard drives, one (1) Western Digital Elements hard drive, and two (2) Seagate hard drives, which contain video and still images of child pornography.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT THREE
(Distribution of Child Pornography)

Between on or about May 28, 2014, through on or about June 20, 2016, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, Defendant,

HOWARD WILLIAM HALVERSON

did knowingly distribute child pornography, using any means or facility of interstate or foreign commerce, or that had been shipped or transported in or affecting interstate or foreign commerce, by any means, including by computer and by the use of peer to peer networking.

In violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b).

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON
UNITED STATES ATTORNEY

JASON CORLEY
Assistant United States Attorney